

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

In re:

YOVANY PADILLA
Debtor

BK-10-12928
CHAPTER 13

MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS

The debtor filed her Chapter 13 petition on July 10, 2010. Pursuant to 11 U.S.C. §1326(a)(1), the debtor is required to begin making payments to the trustee "... not later than 30 days after the date of the ... order for relief ..." The debtor's first payment under her proposed plan was due on or before August 10, 2010 in the amount of \$375.00 and monthly thereafter until her Chapter 13 Plan was confirmed on October 6, 2011 for a total pre-confirmation payment of \$750.00.

The confirmed Chapter 13 Plan required the debtor to pay to the Trustee the sum of \$425.00 per month. To date, from the date of confirmation the debtor should have paid a total of \$8,075.00 plus \$750.00 in pre-confirmation payments for a total of \$8,825.00, but she has paid only \$5,900.00 in monthly plan payments. The debtor is currently in arrears in the amount of \$2,925.00.

In re: Yovany Padilla

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Memorandum of Law in Support of
Motion to Dismiss

Because of the debtor's failure to keep her Plan payments current, the Trustee moves that the within Chapter 13 petition be dismissed.

/s/ John Boyajian
John Boyajian, Trustee
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